

CHILD ADVOCACY BOARD[489]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237.18, the Child Advocacy Board hereby gives Notice of Intended Action to amend Chapter 3, “Local Foster Care Review Boards,” Iowa Administrative Code.

The proposed amendments delineate the process for selecting, appointing, and reappointing members of local foster care review boards and change the length of the term of appointment from two years to three years. This change in length of term is necessary to accommodate the time it takes for a new board member to become fully acquainted with the board member’s duties.

The proposed amendments also make technical changes throughout the chapter by changing references to the State Foster Care Review Board to the Child Advocacy Board. These changes are consistent with statutory language references to the Board contained in Iowa Code chapter 237.

The Board approved these amendments at its August 28, 2015, meeting.

The Board does not believe that the proposed amendments pose a financial hardship on any regulated entity or individual.

Any interested person may make written suggestions or comments on the proposed amendments on or before November 17, 2015. Such written materials should be addressed to Jim Hennessey, Child Advocacy Board, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)281-5975; or e-mailed to jim.hennessey@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237.18.

The following amendments are proposed.

ITEM 1. Amend rule 489—3.1(237) as follows:

489—3.1(237) Local boards. The state child advocacy board shall establish local foster care boards in judicial districts as funding is made available for that purpose. The number of local boards needed and established shall be determined by the state child advocacy board. A sufficient number of boards will be established to ensure that no board shall carry a caseload larger than 100 cases.

3.1(1) The state child advocacy board is responsible under the statute for establishment of policy and procedures which must be consistent with the provisions of the statute. Local boards are required to comply with policies and procedures. If a local board does not agree with a policy ~~and~~ or procedure, the local board may bring that issue to the state child advocacy board for discussion and request a change of ~~policy by the board~~. If the state child advocacy board upholds the policy, local boards must comply.

3.1(2) Day-to-day implementation of policy is delegated by the state child advocacy board to administrative staff. Staff is responsible for bringing questions about policy issues to the state child advocacy board for clarification or changes of policy.

3.1(3) Any written communication from a local review board or local board member, in ~~their~~ the ~~member’s~~ capacity as a board member to state officials or media shall be sent to the ~~foster care review~~ child advocacy board office and reviewed by the ~~director~~ administrator prior to its release.

This rule is intended to implement Iowa Code sections 17A.3 and 237.19.

ITEM 2. Rescind rule 489—3.2(237) and adopt the following **new** rule in lieu thereof:

489—3.2(237) Membership.

3.2(1) The child advocacy board delegates responsibility to the administrator to develop and for local board coordinators to implement an application, recruitment, screening and training process for appointments to vacated local board positions:

a. The process will culminate in the coordinator's preparation of a written selection rationale statement about the prospective appointee to the child advocacy board.

b. The process will include consultation with the chief judge for the court district served by the local board.

c. The administrator will submit each written selection rationale statement electronically to all child advocacy board members no later than 30 calendar days prior to the beginning date of the local board member's prospective term. If a board member vacates the position mid-term, the selection process and resulting written selection rationale statement shall be submitted to the child advocacy board as soon as practicable.

d. Within 15 calendar days after receipt of the written selection rationale statement, any child advocacy board member may request a telephonic child advocacy board meeting to review a prospective appointment. During the meeting, child advocacy board members may raise questions and then vote for the approval or disapproval of the prospective appointment.

e. If no meeting is requested, the prospective local board member is deemed approved by the child advocacy board.

3.2(2) A person employed by the department of inspections and appeals, the department of human services, the judicial department, an employee of an agency with which the department of human services contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board. The child advocacy board shall provide the names of the members of the local boards to the department of human services.

3.2(3) Vacancies on a local board shall be filled in the same manner as original appointments are made.

3.2(4) The term of a local board member's appointment shall not exceed three years. The child advocacy board shall fix the tenure of individual appointments so that no more than one-third of the membership's terms expire in a given year.

3.2(5) The administrator shall develop a local board member evaluation process. The local board coordinator shall complete the evaluation process at least once for each local board member during the member's three-year term. The local board coordinator shall consider the results of the evaluation when determining whether to seek appointment of the local board member to a successive term. When submitting a written selection rationale statement to the child advocacy board for a local board member to serve a successive term, the local board coordinator shall include a summary of the evaluation results for that member.

3.2(6) A local board member may serve continuous successive terms when selected and approved in accordance with this rule.

3.2(7) A quorum consists of at least three local review board members or alternates. A quorum shall be present before cases can be reviewed and recommendations can be voted on. At least two members must be present during questioning of interested parties.

This rule is intended to implement Iowa Code sections 17A.3 and 237.19.

ITEM 3. Amend rule 489—3.3(237) as follows:

489—3.3(237) Removal of a local board member.

3.3(1) Grounds for removal are:

a. Not attending mandatory training sessions.

b. Missing two consecutive board meetings or four board meetings in a year's period, without justifiable cause as determined by the ~~director~~ administrator.

c. Releasing confidential information pursuant to Iowa Code sections 600.16, 217.30, 235A.15, and 237.21, chapters 21 and 22, and other statutory provisions requiring confidentiality.

d. Any action or behavior that is inconsistent with the purpose and objectives of Iowa Code sections 237.15 to 237.22, the board, and these rules.

3.3(2) The ~~director~~ administrator shall write a letter requesting the state child advocacy board to take action with specific cause and nature of the cause for removal of local board members. Copies of this request will be given to all state child advocacy board members and the person in question at least 15 days in advance of the state child advocacy board meeting where a decision will be made.

3.3(3) The person in question may enter written or oral testimony to the state child advocacy board ten days in advance of the board meeting for the state child advocacy board's consideration.

3.3(4) The state child advocacy board shall make the final decision, with no further appeal available, when a quorum is present by an affirmative majority vote. Written notice of the decision will be given to the local board member and will be reflected in the board minutes.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(2) "f."

ITEM 4. Amend subrule 3.4(1), introductory paragraph, as follows:

3.4(1) Local board reviews. Every six months the local board shall review the case of each child receiving foster care assigned to the local board by the state child advocacy board to determine whether satisfactory progress is being made towards the goals of the case permanency plan pursuant to Iowa Code section 237.2. ~~As much as~~ Whenever possible, reviews shall be conducted prior to court review of the cases.

ITEM 5. Adopt the following **new** paragraphs **3.4(3)"h"** and **"i"**:

h. The person providing services to the child.

i. The child's attorney.

ITEM 6. Amend rule 489—3.5(237), introductory paragraph, as follows:

489—3.5(237) Local board coordinator. The local board coordinators are employees of the ~~foster care review~~ child advocacy board. They provide a full range of administrative support services to the local boards. As funds permit, the administrator may delegate some of the services and duties of the local board coordinators to administrative support staff or to contracted board facilitators.

ITEM 7. Amend subrule 3.5(1), introductory paragraph, as follows:

3.5(1) Duties of the local board coordinators or other personnel assigned by the administrator include:

ITEM 8. Amend paragraph **3.5(1)"b"** as follows:

b. Ensuring conformance with standards, official policies and procedures promulgated by the state child advocacy board to ensure uniform implementation across the state, and reporting to the ~~director~~ administrator and state child advocacy board on policy questions and procedural matters that local board members may have.